

**Exhibit No. 5**

INSTRUCTION NO. 14

In calculating damages, you must not attempt to calculate an amount of back pay or future pay lost. If you find for the plaintiff, this court will determine the appropriate amount of backpay and future pay to compensate the plaintiff. Those amounts, if any, are determined by the Court and shall not be included in your damage award.

Of course, the fact that I have given you instructions concerning the issue of plaintiff's damages should not be interpreted in any way as an indication that I believe the plaintiff should, or should not, prevail, in this case.

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

RAYMOND WARE,	)	CIVIL NO. 04-00671 HG LEK
	)	
Plaintiff,	)	CERTIFICATE OF SERVICE
	)	
vs.	)	
	)	
MICHAEL CHERTOFF, Secretary,	)	
Department of Homeland Security;	)	
JOHN DOES 2-5,	)	
	)	
Defendants.	)	
_____	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served upon the following parties at their last known addresses by means of hand delivery on this date.

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DATED: Honolulu, Hawaii, 3-26-08.

D E B  
DAPHNE E. BARBEE  
Attorney for Plaintiff